(4) All notifications issued under this Act, shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued under this Act, shall as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

இணைப்பு VI

[303 ஆம் பக்கத்தில் இனம் 4 (6)-க்கான அடிக்குறிப்பைக் காண்க.]

L.A. Bill No. 13 of 1974.

(As passed by the Assembly.)

A Bill further to amend the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Amendment Act, 1975.

(2) It shall be deemed to have come into force on the 24th December 1971.

2. *Amendment of section 2, Tamil Nadu Act* 40 *of* 1971.—In section 2 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971 (Tamil Nadu Act 40 of 1971) (hereinafter referred to as the principal Act)—

(*a*) in clause (8), the Explanation shall be numbered as

Explanation I, and after the Explanation as so numbered, the following Explanation shall be inserted, namely :—

" *Explanation II.*—In determining the question whether for the purposes of clause (8), any area adjacent to the dwelling house or hut is necessary for the convenient enjoyment of such dwelling house or hut—

(i) the area which the agriculturist or agricultural labourer had been enjoying immediately before the 19th June 1971 and

(ii) such other factors as may be prescribed,

shall be taken into account;";

(*b*) in clause (12), for the expression " under section 3. ", the words " under the provisions of this Act " shall be substituted.

3. *Amendment of section* 3, *Tamil Nadu Act* 40 *of* 1971.—In section 3 of the principal Act,—

(i) in sub-section (1), for the words " Any agriculturist ", the words " Save as otherwise provided in this Act, any agriculturist " shall be substituted;

(ii) in sub-section (2), for the expression " referred to in sub-section (1) ", the expression " in whom such kudiyiruppu vests under sub-section (1) " shall be substituted;

(iii) after sub-section (2), the following sub-section shall be *added*, namely :—

" (3) Nothing in sub-section (1) shall be deemed to confer the right of ownership of kudiyiruppu on any agriculturist or agricultural labourer, if he already owns a dwelling house or hut or a house-site, within a distance of *one* kilometre from the kudiyiruppu referred to in sub-section (1) :

Provided that the site on which the dwelling house or hut is erected or the house-site concerned is more than three cents in extent. ".

4. *Insertion of new sections* 3-*A and* 3-*B*, *Tamil Nadu Act* 40 *of* 1971.—After section 3 of the principal Act, the following sections shall be inserted, namely :—

" 3-A. *Provision of alternative site in certain cases.*—(1) (*a*) Where on application by the owner, the authorised officer is satisfied that the kudiyiruppu referred to in sub-section (1) of

section 3 (hereinafter referred to as the "existing kudiyiruppu") is located in any portion of any land and that the vesting of any such kudiyiruppu in any agriculturist or agricultural labourer may cause inconvenience for the convenient enjoyment of such land as a whole by the owner of such land, the authorised officer may by an order in writing, permit the owner of such land to provide an alternative site within the same land or in any other land already owned by such owner, within such distance and within such period as may be prescribed, for the occupation of the agriculturist or agricultural labourer concerned.

(b) The alternative site shall satisfy the following conditions, namely :—

(i) it shall be fit for erection of a dwelling house or hut, if there is not already such dwelling house or hut on the site,

(ii) its extent shall not be less than the extent of the existing kudiyiruppu, subject to a minimum of three cents, and

(iii) such other conditions as may be prescribed.

(2) The authorised officer while granting permission under sub-section (1) shall also direct the payment, by the owner to the agriculturist or agricultural labourer, within such time as may be prescribed, of reasonable costs as decided by the authorised officer for shifting of the residence to the alternative site including the cost for erecting a superstructure on the said site. The authorised officer shall, before granting permission under sub-section (1), satisfy himself that the conditions mentioned in sub-section (1) are satisfied :

Provided that before granting such permission, the authorised officer shall give an opportunity of being heard to the agriculturist or agricultural labourer concerned :

Provided further that the authorised officer shall not grant such permission if the alternative site is not already owned by such owner.

(3) If such owner fails to provide the alternative site as permitted by the authorised officer within the prescribed time or fails to comply with any direction given under sub-section (2) in

regard to payment of costs, the agriculturist or agricultural labourer shall be entitled to the ownership of the existing kudiyiruppu under sub-section (1) of section 3.

(4) If such owner provides an alternative site in pursuance of the permission granted under sub-section (1), the agriculturist or agricultural labourer concerned shall be given an opportunity to occupy the alternative site and he shall be deemed to have become the owner of such kudiyiruppu, from the date on which he so occupies the alternative site. Such alternative kudiyiruppu shall, with effect from such date, be deemed to have vested in him absolutely free from all encumbrances and the site of the existing kudiyiruppu shall revert to the owner.

(5) Where any agriculturist or agricultural labourer fails or refuses to shift to the alternative site provided by the owner in pursuance of a permission granted under sub-section (1) within such time as may be prescribed, such agriculturist or agricultural labourer shall not be entitled to the benefits of this Act, but shall be entitled to the protection under the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961 (Tamil Nadu Act 38 of 1961).

3-B. *Authorised officer to decide whether a person is an agriculturist or agricultural labourer, etc.*—

(1) If any question arises—

(*a*) whether any person is an agriculturist or an agricultural labourer; or

(*b*) whether any land is an agricultural land, or

(*c*) whether any site is a kudiyiruppu, or

(*d*) whether any area adjacent to a dwelling house or hut is necessary for the convenient enjoyment of such dwelling house or hut;

such uqsetion shall be decided by the authorised officer.

(2) In deciding any question under sub-section (1), the authorised officer shall follow such procedure as may be prescribed.".

5. *Amendmen tof section 5, Tamil Nadu Act* 40 *of* 1971.—In sub-section (1) of section 5 of the principal Act, for the expression "under section 4", the expression "under section 3A or section 3B or section 4", shall be substituted.

6. *Amendment of section* 13, *Tamil Nadu Act* 40 *of* 1971.—In sub-section (2) of section 13 of the principal Act, for the expression " under section 3 ", the words " under the provisions of this Act " shall be substituted.

7. *Amendment of section* 14, *Tamil Nadu Act* 40 *of* 1971.—In sub-section (1) of section 14 of the principal Act, for the expression " under section 3 ", the words, " under the provisions of this Act " shall be substituted.

8. *Amendment of section* 16, *Tamil Nadu Act* 40 *of* 1971.—In section 16 of the principal Act,—

(i) in sub-section (1), after the words " the date of the commencement of this Act ", the words " or the date of vesting of such kudiyiruppu or the superstructure, as the case may be " shall be inserted;

(ii) in sub-section (2), after the words " the date of the commencement of this Act " , the words " or the date of vesting of the kudiyiruppu or the superstructure, as the case may be ", shall be inserted.

9. *Amendment of the Schedule to Tamil Nadu Act* 40 *of* 1971.—In the Explanation under paragraph 2 of the Schedule to the principal Act,—

(i) in item (i), for the expression " under sub-section (1) of section 3 ", the words "' under the provisions of this Act " shall be substituted;

(ii) in item (iii), for the expression " under sub-section (2) of section 3 ", the words " under the provisions of this Act " shall be substituted.

இணைப்பு VII

[307 ஆம் பக்கத்தில் இனம் 4 (7)-க்கான அடிக்குறிப்பைக் காண்க.]

L.A. Bill No. 51 of 1975.

(As passed by the Assembly.)

A Bill further to amend the Tamil Nadu Urban Land Tax Act, 1966.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Urban Land Tax (Amendment) Act, 1975.